

13 CSR 35-73.012. Basis for Licensure and Licensing Procedures

*PURPOSE: This rule describes the procedures for application for licensure, the licensing investigation and provisions for continued licensing investigations after the initial license is granted.*

(1) Licensing Authority.

(A) [Section 210.486, RSMo](#) states it is unlawful for any person to operate a child placing agency without having a written license issued by the division, except for those persons specifically exempted by [section 210.516, RSMo](#).

(B) Any person who desires to develop, establish, maintain, or operate a child placing agency, except for those persons exempt from licensing pursuant to [section 210.516, RSMo](#), must file an Application for Licensure form with the division and must receive a license prior to accepting any clients for services.

(C) Before a license may be granted, an agency must be in compliance with [sections 210.481 - 210.536, RSMo](#) and applicable rules promulgated and issued by the division.

(2) Application for Licensure.

(A) [The application for license shall be completed by the officers of the governing board of the child placing agency, or its authorized representative, on a form prescribed and furnished by the division and shall be forwarded to the division.] **To apply for a license to operate a Child Placing Agency Missouri the individual legally authorized to act on behalf of the Child Placing Agency shall file an application with the Division on forms provided by the Division.**

**1. The application forms are published on the Division's website, and are incorporated by reference and made a part of this rule as published by the Department of Social Services, Children's Division, 205 Jefferson Street, 10<sup>th</sup> Floor, P.O. Box 88, Jefferson City, MO 65103, and on the web at [get url from Communications and ITSD, [date if necessary]. This rule does not incorporate any subsequent amendments or additions. The Child Placing Agency shall attach all additional supplementary materials and documentation that may be necessary to complete the required application. The Child Placing Agency shall submit the form with supplementary materials to the Division by e-mail at the following e-mail address: [identify e-mail address].**

**2. The application form shall be signed by the legally authorized representative of the Child Placing Agency. The Division will accept electronic signatures (e-signatures).**

**3. The Child Placing Agency may apply to the Division for permission to submit its application and supporting documentation by mail or private delivery services rather than e-mail when there are unusual, compelling and extenuating circumstances which make submission by e-mail impossible. The Child Placing Agency shall apply for permission to file the materials with the Division in writing, and shall explain the circumstances why it cannot submit the materials by e-mail. The Child Placing Agency shall attach all documentation that may be necessary to complete the required**

**notification. If the Division grants permission under this subsection he LERCF may submit the form with supporting materials by mail, by private delivery service or in person to the offices of the Division at Residential Program Unit, 205 Jefferson Street, 10<sup>th</sup> Floor, P.O. Box 88, Jefferson City, Missouri 65102; or by e-mail to [state e-mail address]**

(B) An agency shall submit the following documents to the division along with the application:

1. Documentation of the legal basis for operation;
2. A certified copy of the current Articles of Incorporation;
3. A copy of the current by-laws;
4. A list of the names and addresses of the current members of the governing board and a notarized letter of acceptance from each;
5. A completed personnel report on a form prescribed by the division;
6. Verification of the education, experience, and character of the administrator, all professional staff, and all contracted personnel;
7. Verification of a physical examination for all staff working directly with children, completed by a licensed physician or a registered nurse who is under the supervision of a licensed physician;
8. **Certification that all individuals who are required to complete a Background Check are eligible for employment or presence at the Child Placing Agency as required in §210.493 RSMo and 13 CSR 35-71.015** [Results of a check of the Child Abuse and Neglect Central Registry Unit (CA/NCRU) for all staff and volunteers];
9. [A criminal records check for each employee from a state law enforcement agency];
- 10]. A chart depicting the agency's organizational structure and lines of supervision;
- 10[1]. A proposed budget for a period of not less than twelve (12) months duration which shows both anticipated expenses and income for the period;
- 11[2]. An itemized schedule of all fees to be assessed to applicants;
- 12[3]. Verification of availability of not less than ninety (90) days operating capital;
- 13[4]. A copy of the Civil Rights Agreement signed by the president of the governing board or the agency director;
- 14[5]. An outline of the agency's proposed program and the specific geographic area to be served (this shall be directly related to the number of staff and the geographic area to which it can actually provide services);
- 15[6]. A projected staffing plan for the anticipated capacity and programming of the agency;
- 16[7]. A written statement clearly setting forth the authority and responsibilities delegated to a director, administrator, or supervisor, if other than the owner. When the responsibility for the operation of an agency rests with the governing board, that governing board shall establish written policies and procedures which clearly establish the lines of responsibility governing the operation of the agency. These

shall include a statement of the kind and extent of authority delegated to the director employed to carry out the program;

17[8]. A written description of intake policies which delineates the types of services to be provided, specific programs offered, and the methods of care and treatment to be provided;

18[9]. Job title, job description, and minimum qualifications for all staff;

19[20]. Written child abuse and neglect reporting policy;

20[1]. Written personnel practices, including staff training and orientation;

21[2]. Written discipline policy for children in care;

22[3]. Written visitation policy for children in care;

23[4]. Written health care policy for children in care which shall include preventive, medical, eye, hearing, and dental care;

24[5]. A written statement of any religious practices or religious restrictions;

25[6]. A written plan for all foster parent training; and

26[7]. Proof of professional and commercial general liability insurance.

**(C) The application shall be complete when the Child Placing Agency has submitted and the Division has received a fully completed application form and all necessary supporting documentation.**

**(D)** A new application shall be filed--

1. If the agency fails to follow through with completing the requirements for licensure within six (6) months of initial application;

2. When an application for licensure has been withdrawn, and the agency seeks to reapply;

3. When there is a change of ownership or corporate status of the agency;

4. When the division has revoked or refused to renew a license, and a new license is sought; [and] **or**

5. When a license or application has been voluntarily surrendered or withdrawn by the applicant.

### (3) Licensing Assessment.

(A) **After the application is complete the Division will conduct a [A]** thorough assessment of the agency [shall be made by the division], including a review of the documents required in this rule and visits to the agency to determine compliance with the licensing law and applicable rules.

(B) If an applicant for licensure is determined not to be in compliance with the licensing law and applicable rules, and if compliance is not achieved within a six- (6-) month period, a new Application for Licensure must be filed if the agency desires to pursue licensure.

### (4) The License.

(A) Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for an initial six- (6-) month probationary term.

(B) Following the probationary period, upon determination of continued compliance with Missouri statutes and applicable licensing rules, the director shall extend the term of the license for a period not to exceed two (2) years.

(C) The license shall be posted in a conspicuous place on the premises of the facility.

(D) The license shall reference specific category of service(s) the agency is authorized to provide.

(E) The license shall not be transferable and applies only to the agency to whom it is issued.

(5) License Amendment

(A) An agency shall file an Application for Amendment with the division at least thirty (30) days prior to relocation, addition of a branch or operating site, change in the name of the agency, or significant change in the program.

(B) An Application for Amendment shall be in the form of a letter from the executive director or board of directors and shall include the following information:

1. The type of change being requested;
2. The date the change will take effect;
3. Why the change is being requested; and
4. Any specific location changes including full address and telephone number.

(C) These changes shall be approved by the division before implementation.

(6) Licensing Renewal.

(A) [Application forms for renewal of licensure shall be mailed to the child placing agency by the division at least sixty (60) days prior to the expiration of the license.

(B)] The **Child Placing A**[a]gency shall complete and return the application to the division **sixty** [thirty] (6[3]0) days prior to the expiration of the current license. **The Child Placing Agency shall utilize the forms indicated in subsection (2)(A)1 of this regulation to initiate the license renewal process. The Child Placing Agency shall attach all additional supplementary materials and documentation that may be necessary to complete the required application. The Child Placing Agencies shall submit the form with supplementary materials by e-mail to the Division to the following e-mail address: [\[insert e-mail address\]](#). The application form shall be signed by the Director of the Child Placing Agency or the Director's authorized designee. The Division will accept electronic signatures.**

(B[C]) The division shall initiate action on the completed application prior to the expiration of the existing licensure period.

(C[D]) [When an agency has made timely and sufficient application for renewal of a license, and the division fails to render a decision on the application for renewal of the license prior to the expiration date on the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final decision of the division has been made. The division may further extend the period in which such decision must be made in individual cases for up to thirty (30) additional days, if good cause is shown.

(D[E])] In addition to the completed renewal application, the **Child Placing Agency shall** [following documents shall be] submit[ted] **the following documentation with the application:**

1. Verification of a biennial physical examination, completed by a licensed physician, registered nurse who is under the supervision of a licensed physician, or an advanced practice nurse in a collaborative agreement with a licensed physician for all staff working directly with children (see [13 CSR 35-73.030\(3\)\(A\)](#));

2. A current governing board roster, with officers identified, including the addresses and a notarized letter of acceptance from each member;
3. A summary of any significant changes to programs and copies of any resulting policies or policy changes;
4. A copy of the current organizational chart;
5. A completed personnel report on a form prescribed by the division;
6. **Certification that all individuals who are required to submit to a Background Check have completed their Background Checks and have been found eligible by the Division for employment or presence at the Child Placing Agency as provided in §210.493 and 13 CSR 35-71.015**
7. Results of an annual check of the Child Abuse and Neglect CRU for all staff, contracted personnel, and volunteers working with children;
- 8.[7.] Results of the annual criminal records check for all staff, contracted personnel, and volunteers working with children;
- 9[8]. A copy of a biennial financial audit and evaluation of the financial soundness of the operation conducted by a certified public accountant not employed by the agency;
9. A copy of the budget for the current calendar or fiscal year;
10. A statistical report on a form supplied by the division;
11. A list of the names and addresses of all current foster homes licensed by the agency;
12. An annual written plan for all foster parent training;
13. A written plan indicating how the agency will provide for the transfer of records on both open and closed cases in the event the agency closes;
14. An annual program evaluation;
15. An itemized schedule of all fees to be assessed to applicants; and
16. Copies of all written agreements (contracts) for the adoption process.

**(E[F]) When an agency has made timely and sufficient application for renewal of a license, and the division fails to render a decision on the application for renewal of the license prior to the expiration date on the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final decision of the division has been made. The division may further extend the period in which such decision must be made in individual cases for up to thirty (30) additional days, if good cause is shown.**

**(F)** Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for a period not to exceed two (2) years.

**[MISSOURI DEPARTMENT OF SOCIAL SERVICES  
DIVISION OF FAMILY SERVICES**

**APPLICATION FOR LICENSE TO OPERATE A CHILD PLACING AGENCY  
TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT  
DISPLAYABLE**

**MISSOURI DEPARTMENT OF SOCIAL SERVICES  
DIVISION OF FAMILY SERVICES**

**RESIDENTIAL PROGRAM UNIT**

**MEDICAL EXAMINATION REPORT FOR CHILD CARE PROVIDER/STAFF**

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DISPLAYABLE

**MISSOURI DEPARTMENT OF SOCIAL SERVICES**

**DIVISION OF FAMILY SERVICES**

**RESIDENTIAL PROGRAM UNIT**

**CHILD'S MEDICAL REPORT**

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**MISSOURI DEPARTMENT OF SOCIAL SERVICES**

**DIVISION OF FAMILY SERVICES/RESIDENTIAL PROGRAM UNIT**

**STATISTICAL REPORT**

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**MISSOURI DEPARTMENT OF SOCIAL SERVICES**

**DIVISION OF FAMILY SERVICES**

**RESIDENTIAL PROGRAM UNIT**

**CIVIL RIGHTS AGREEMENT**

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DISPLAYABLE]

#### **Credits**

*AUTHORITY:* [sections 207.020, 210.493, 210.506, 210.1286](#) and [660.017, RSMo](#) [2016].\*

\* *Original authority:* [207.020, RSMo 1945](#), amended 1961, 1965, 1977, 1981, 1982, 1986, 1993, 2014 and [660.017, RSMo 1993](#), amended 1995.

*This rule originally filed as [13 CSR 40-73.012](#). Original rule filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.012 and amended: Filed Aug. 20, 2018, effective April 30, 2019.*